

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CAITLIN H. DICKERSON,

Plaintiff,

v.

CUSTOMS AND BORDER PROTECTION,

Defendant.

19 Civ. 9017 (JLC)

**STIPULATION AND ORDER  
OF DISMISSAL OF  
PLAINTIFF'S CLAIM FOR  
ATTORNEYS' FEES AND  
COSTS**

WHEREAS, on or about September 27, 2019, Plaintiff Caitlin Dickerson (“Plaintiff”) and former Plaintiff The New York Times Company (the “Times”)<sup>1</sup> filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by Defendant Customs and Border Protection (“CBP”) in connection with FOIA requests submitted by the New York Times Company to CBP dated August 5, 2019 (the “FOIA Requests”);

WHEREAS, on June 11, 2021, pursuant to a stipulation between the parties, this Court dismissed this action with prejudice; provided, however, that the Court retained jurisdiction to adjudicate a request by Plaintiff for attorneys’ fees and costs under 5 U.S.C. § 552(a)(4)(E);

WHEREAS, the parties wish to resolve Plaintiff’s claim for attorney’s fees and costs consensually without further litigation;

WHEREAS, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

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<sup>1</sup> The New York Times Company’s claims against CBP were dismissed pursuant to a stipulation and order of dismissal dated December 22, 2020, *see* Dkt. No. 41.

1. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, the CBP shall pay to Plaintiff via electronic funds transfer the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by Plaintiff for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. CBP will undertake its best efforts to pay the amount agreed to within 60 days after the Court has endorsed the Stipulation and Order. Counsel for Plaintiff will provide the necessary information for CBP to effectuate payment.

2. Plaintiff's claim for attorneys' fees and litigation costs is dismissed with prejudice.

3. This Stipulation and Order shall not constitute an admission by CBP that Plaintiff is entitled to any attorneys' fees or litigation costs.

4. The parties agree that this Stipulation and Order will not be used as evidence or otherwise in any pending or future civil or administrative action against CBP, the United States, or any agency or instrumentality of the United States.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

6. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

Dated: New York, NY  
November 18, 2021

DAMIAN WILLIAMS  
United States Attorney for the Southern  
District of New York

/s/ Charles S. Jacob  
By: CHARLES S. JACOB  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel.: (212) 637-2725  
Fax: (212) 637-2702  
Email: charles.jacob@usdoj.gov

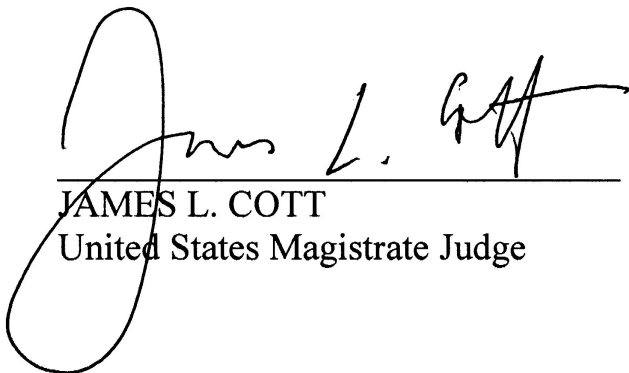
*Counsel for Defendant*

CAITLIN H. DICKERSON

/s/ Laura Handman  
Laura Handman  
Meenakshi Krishnan (*pro hac vice*)  
Davis Wright Tremaine LLP  
Suite 500 East  
1301 K Street NW  
Washington, D.C. 20005-3317  
laurahandman@dwt.com  
meenakshikrishnan@dwt.com

*Counsel for Plaintiff*

SO ORDERED:

  
JAMES L. COTT  
United States Magistrate Judge

Dated: New York, NY  
November 19, 2021